

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

GREGARIO MACHADO	: DOCKET NO. 2:07-1150 Section P
VS.	: JUDGE TRIMBLE
IMMIGRATION & CUSTOMS ENFORCEMENT	: MAGISTRATE JUDGE METHVIN

REPORT AND RECOMMENDATION

Before the court is the government's motion to dismiss *pro se* petitioner Gregario Machado's petition for writ of *habeas corpus*, filed pursuant to 28 U.S.C. §2241.¹ The motion is unopposed. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

At the time that the petition for writ of *habeas corpus* was filed, petitioner was in detention under the authority of the United States Immigration and Customs Enforcement ("USICE"), and he sought to have the court review his post-removal-order detention. However, in its motion, the government states that the petitioner was released from custody pursuant to an Order of Supervision dated August 2, 2007.²

Because the petitioner is no longer in custody, his challenge to his post-removal-order of detention is now moot and should be dismissed. Accordingly,

¹ Rec. Doc. 6.


² Rec. Doc. 6-3.

IT IS RECOMMENDED that the motion to dismiss be **GRANTED** and that the petition be **DENIED and DISMISSED as moot**.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

Signed at Lafayette, Louisiana, on August 16, 2007.



Mildred E. Methvin
United States Magistrate Judge
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